

FIFTY-SIXTH DAY

MONDAY, APRIL 21, 1997

PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Stefanie Bennett, Klein United Methodist Church, Spring, offered the invocation as follows:

Almighty and most gracious God, we humbly bow before You this morning, grateful for so many blessings and the opportunity to serve. We give You thanks and praise for Your mighty and merciful works. I ask this day that You would bless and keep each of these leaders gathered to do the work of the State of Texas. Open their hearts that they will be led by Your will. Grant them wisdom and purpose. May they seek after justice and righteousness, be full of mercy, and filled with expectant courage. Almighty God, the difficult tasks they face can be completed only with Your assistance. Open all of us to Your guiding that we might be better leaders and citizens. We ask also Your blessing for the residents of the State of Texas. You know well all that we need and for all that we hope. Guide us to the work of peace and love. All thanks and praise are Yours, so we each, to the best of our ability, gratefully honor You. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 18, 1997, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 257

On motion of Senator Luna and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 257**.

CO-AUTHOR OF SENATE BILL 1419

On motion of Senator West and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 1419**.

CO-AUTHOR OF SENATE BILL 1534

On motion of Senator Barrientos and by unanimous consent, Senator Wentworth will be shown as Co-author of **SB 1534**.

CO-AUTHOR OF SENATE BILL 1741

On motion of Senator Armbrister and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1741**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 19

On motion of Senator Truan and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SCR 19**.

CAPITOL PHYSICIAN

Senator Fraser was recognized and presented Dr. Mike Cravey of Marble Falls as the "Doctor for the Day."

The Senate welcomed Dr. Cravey and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

SCR 59, SCR 61, SCR 62, SCR 64, SCR 65, SCR 70

SENATE CONCURRENT RESOLUTION 73

Senator Barrientos offered the following resolution:

WHEREAS, The Legislature of the State of Texas takes pride in recognizing San Jacinto Day of 1997 and in paying tribute to the brave men who fought in the Texas Revolution and to K. R. Wood who has honored the "Fathers of Texas" in his recently released album; and

WHEREAS, Texans owe the colonization of our state to such brave men as Moses Austin and Stephen Fuller Austin and the birth of the State of Texas to such heroes in the Texas Revolution as Sam Houston, William B. Travis, Jim Bowie, James Fannin, and David Crockett; and

WHEREAS, Beginning with the Battle of Gonzales, and continuing with the Goliad Massacre and the Battle of the Alamo, the Texas Revolution is the most significant event in the history of our state; the concluding military event of the Texas Revolution, the Battle of San Jacinto on April 21, 1836, secured the freedom of Texas from Mexico and reshaped the future for all Texans; and

WHEREAS, In honor of our founding fathers and the heroes of the Texas Revolution, K. R. Wood, a well-known Texas singer and songwriter and a Texas history fan, has written an album telling their story and the story of the battle for freedom from Mexico; and

WHEREAS, The album, entitled the "Fathers of Texas," begins with the early settlement, the "Lone Star Dream" of Moses Austin and Stephen Austin,

and continues with the battles of the Texas Revolution and the Texas Declaration of Independence; and

WHEREAS, The "Fathers of Texas" reflects the independence, spirit, and commitment on which our state was founded and is a beautifully written and recorded educational album; the songs were recorded by such great Texas artists as Red Steagall, Gary P. Nunn, Steven Fromholz, Delbert McClinton, the late Townes Van Zandt, Rusty Wier, Skeet Anglin, Tom T. Hall, Ray Wylie Hubbard, and Shake Russell; and

WHEREAS, A release party for the album took place in Luckenbach on Texas Independence Day of this year; on April 21, 1997, at Stubbs Barbecue in Austin, the album will be recreated, in honor of San Jacinto Day, by many of the original recording artists, by narrator Gulch Kooek, and by "Fathers of Texas" songwriter, K. R. Wood; and

WHEREAS, The entire project is an inspirational tribute to our heritage and to our courageous forefathers; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby honor the heroes of Texas history on San Jacinto Day of 1997 and express appreciation to K. R. Wood and to all who participated in the creation of the "Fathers of Texas" for this exceptional project; and, be it further

RESOLVED, That a copy of this resolution be prepared for K. R. Wood as an expression of esteem from the Texas Legislature.

The resolution was again read.

The resolution was previously adopted on Thursday, April 17, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate K. R. Wood, Steve Fromholz, Gary P. Nunn, Rusty Wier, and Skeet Anglin, musicians who were here in celebration of San Jacinto Day.

The Senate welcomed its guests.

(Senator Brown in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 21, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 40, Relating to the use of certain information regarding a current or former employee.

HB 251, Relating to creating a license for the storage of imported beer, ale, and malt liquor.

HB 254, Relating to allowing the placement of directional signs for small businesses along certain highways.

HB 259, Relating to municipal courts of record in Odessa.

HB 384, Relating to the disclosure in a contract for the transfer of vacant land of certain information, including information concerning the imposition of additional taxes on the land.

HB 385, Relating to the service areas of certain public junior colleges.

HB 463, Relating to the hotel occupancy tax revenue of certain counties that border the Gulf of Mexico.

HB 539, Relating to the civil liability of charitable organizations that are chambers of commerce.

HB 627, Relating to proof of insurance filed with the Texas Department of Public Safety by certain motorists uninsured at the time of an accident.

HB 657, Relating to the privilege against disclosure of certain communications by emergency stress management volunteers.

HB 729, Relating to the facilities covered by and the emergency authority of the Texas Department of Health under the lead abatement law.

HB 818, Relating to a study of the incidence of dual supervision of certain persons by the pardons and paroles division of the Texas Department of Criminal Justice and community supervision and corrections departments.

HB 922, Relating to the board of directors of the Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

HB 976, Relating to the abolition of the Texas Workers' Compensation Insurance Facility and the transfer of the assets and liabilities of that facility.

HB 996, Relating to the disposition of the records of an abolished local government.

HB 1062, Relating to access to criminal history record information by the Texas State Library and Archives Commission.

HB 1126, Relating to the sale or distribution of the property of minors and certain wards.

HB 1135, Relating to the fees required of certain persons who practice public accountancy.

HB 1177, Relating to certain categories of leave for state employees.

HB 1178, Relating to the applicability of production limitations to certain marginal gas wells.

HB 1212, Relating to health insurance portability and availability and the implementation of certain federal reforms relating to health insurance portability and availability.

HB 1306, Relating to the payment of certain motor vehicle registration fees for a period longer than 12 months.

HB 1312, Relating to modification of an order for outpatient mental health services and the temporary detention of a patient pending hearing on the modification.

HB 1391, Relating to continuing education requirements for air conditioning and refrigeration contractors.

HB 1482, Relating to computer and telecommunications offenses; providing penalties.

HB 1504, Relating to the reimbursement of jurors.

HB 1532, Relating to refusing to register a vehicle for a person who owes a fine, fee, or tax to certain counties.

HB 1555, Relating to inspection of certain child-care facilities.

HB 1567, Relating to charitable organizations created by certain hospital districts.

HB 1596, Relating to unlicensed personal care facilities.

HB 1621, Relating to certain licensing in the real estate industry.

HB 1673, Relating to payment of per diem to members of the Texas State Library and Archives Commission.

HB 1782, Relating to professional services in regard to certain state and local contracts and fund management.

HB 1798, Relating to recommendations for hospitals relating to missing infants.

HB 1808, Relating to the confidentiality of certain information obtained by the State Soil and Water Conservation Board or a soil and water conservation district.

HB 1811, Relating to the Texas State Library and Archives Commission and the creation of the Texas Historical Records Advisory Board.

HB 1875, Relating to the imposition and use of certain fees imposed on certain milk and milk products.

HB 1879, Relating to the rendition of property for ad valorem taxation.

HB 1929, Relating to the investigation and reporting of child abuse or neglect.

HB 1965, Relating to the creation of the constitutional office of criminal district attorney of Comal County, to the abolition of the office of the county attorney in Comal County, and to the abolition of the office of the district attorney for the 22nd Judicial District.

HB 1977, Relating to risk limitations for certain insurance companies.

HB 2082, Relating to the authority of the Texas Youth Commission to sell or license the right to use a treatment program developed by the commission.

HB 2138, Relating to the standards for certain equipment on vehicles.

HB 2141, Relating to the seizure and sale of certain property by certain municipalities.

HB 2145, Relating to removal of certain persons from the pool of prospective jurors.

HB 2146, Relating to studying minority participation in public higher education.

HB 2156, Relating to counties contracting for the combination of lists for a jury pool.

HB 2159, Relating to granting resident tuition status to children or dependents of certain former Texas residents.

HB 2185, Relating to the collection of certain warrants or checks issued by a county treasurer.

HB 2193, Relating to the trust fund requirement for alien surplus lines insurers.

HB 2220, Relating to the disclosure by the Texas Department of Transportation of information pertaining to persons who subscribe to Texas Highways magazine or purchase certain promotional items from the department.

HB 2252, Relating to certain projects and programs for residents of a colonia.

HB 2271, Relating to the liability of certain persons concerning abandoned property.

HB 2286, Relating to the selection of public members and the functions of a county salary grievance committee.

HB 2327, Relating to the terms of tax abatement agreements entered into by the Dallas County Flood Control District No. 1.

HB 2348, Relating to the operation of the Jackson County Hospital District.

HB 2353, Relating to rural rail transportation districts.

HB 2424, Relating to deductions from lottery winnings and compensation of the amount of certain child support, taxes, and other payments.

HB 2492, Relating to the duties of the chief personnel officer of certain counties.

HB 2499, Relating to the family farm and ranch finance program.

HB 2509, Relating to a pilot program for the treatment of Alzheimer's patients.

HB 2555, Relating to the creation of two county criminal courts in Denton County.

HB 2563, Relating to limiting the time within which certain water districts are required to hold confirmation elections.

HB 2569, Relating to the filing of a certain instrument and registration of a trademark or service mark with the secretary of state; providing a criminal penalty.

HB 2601, Relating to regulating personal care facilities; providing for a civil penalty.

HB 2688, Pertaining to the execution of documents on behalf of certain water districts.

HB 2689, Relating to estimates of, and delinquent assessments for, maintenance and operating expenses in certain water districts.

HB 2696, Relating to contracts executed by and the election of the board of directors of the Val Verde County Hospital District.

HB 2721, Relating to the TexShare library consortium.

HB 2769, Relating to the county depository and depositories for certain trust funds.

HB 2779, Relating to requiring the office of the attorney general to defend local community supervision and corrections departments in certain suits brought against them.

HB 2826, Relating to the qualifications required for appointment as a community supervision and corrections department officer.

HB 2832, Relating to the authority of certain counties to impose a county hotel occupancy tax.

HB 2920, Relating to the operation of museums and historic sites in certain counties by nonprofit organizations.

HB 2964, Relating to the administration of county roads in Panola County.

HB 3025, Relating to parking fees imposed by a governmental authority.

HB 3043, Relating to the authority of certain counties to impose a hotel occupancy tax.

HB 3065, Relating to the eligibility of lending institutions to participate in the linked deposit program established in the Department of Agriculture.

HB 3116, Relating to work supplementation programs for certain welfare recipients.

HB 3125, Relating to student participation in the selection or retention of food service providers at institutions of higher education.

HB 3159, Relating to cancellation of certain contracts under the Health Spa Act.

HB 3197, Relating to utilization review of certain health care services provided to a person who sustains a compensable injury.

HB 3203, Relating to the disposition of unclaimed funds by nonprofit cooperative corporations.

HB 3252, Relating to safety regulations for certain contract carriers.

HB 3279, Relating to charges for access to Texas Workers' Compensation Commission information.

HB 3478, Relating to the designation of a portion of State Highway 35 as the John B. Coleman Memorial Highway.

HB 3507, Relating to granting the Gregg County Court at Law jurisdiction in family law matters.

HB 3541, Relating to the statutory probate court of Galveston County.

HB 3547, Relating to the powers of the White River Municipal Water District.

HCR 44, Directing the Texas Department of Health, the Lyndon Baines Johnson School of Public Affairs, the Blackland Research Center and the School of Rural Public Health, to study the role of local governments in providing public health services.

SB 92, Relating to the authority of the Bayview Municipal Utility District of Galveston County to install and assess for street lighting.
(Committee Substitute)

SB 192, Relating to benefits under, eligibility for benefits under, and investment of surplus funds of retirement systems for firefighters in certain municipalities.

SB 243, Relating to liability of a parent for property damage to a hotel caused by a child.
(Committee Substitute)

SB 263, Relating to the creation of an appellate judicial system for the Fourth Court of Appeals District.
(Committee Substitute)

SB 407, Relating to minimum standards, records, suspension or revocation of a license, and administrative penalties for abortion facilities.

SB 415, Relating to associate judges appointed by the district courts and county courts at law of Fort Bend County.
(Committee Substitute)

SB 422, Relating to the licensure of a hospital with multiple premises under a single license and the provision of certain services by licensed hospitals.
(Amended)

SB 454, Relating to the definition of a record for records management and archival purposes.

SB 463, Relating to the designation of State Highway 6 as the Texas Korean War Veterans Memorial Highway.

SB 544, Relating to the procedure by which a municipality may dispose of certain land.

SB 553, Relating to the designation of a portion of State Highway 35 as the Stephen F. Austin Memorial Highway.
(Amended)

SB 872, Relating to the retirement system for firefighters and police officers in certain municipalities.

SB 1083, Relating to the drawing of names of prospective jurors.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

SB 388

WAS RETURNED TO THE HOUSE BY THE GOVERNOR PURSUANT TO SCR 68. THE HOUSE RECONSIDERED THE VOTE BY WHICH SB 388 WAS FINALLY PASSED. THE BILL WAS AMENDED AND FINALLY PASSED AGAIN.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Friday, April 18, 1997, by Senator Shapiro.

Senator Madla moved confirmation of the nominees reported Friday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Members, Texas Guaranteed Student Loan Corporation Board of Directors: RUBEN E. ESQUIVEL, Dallas County; ALFRED JACKSON, Harris County; JORJA L. KIMBALL, Kleberg County; JANE PHIPPS, Bexar County; WILLIAM BRUCE ROBINSON, Jr., Navarro County.

Members, Texas Board of Health: KENT MORRISON ADAMS, Jefferson County; MARIO R. ANZALDUA, M.D., Hidalgo County; WALTER D. WILKERSON, Jr., M.D., Montgomery County.

Members, Texas Workers' Compensation Commission: JACK E. ABLA, Smith County; REBECCA F. OLIVARES, Bexar County; RICHARD F. REYNOLDS, Travis County; JOEL BURTON "BURT" TERRILL, Tom Green County.

Members, State Board of Dental Examiners: CORNELIUS O. HENRY, D.D.S., Smith County; JAMES W. KENNEDY, D.D.S.,

Harris County; H. GRANT LAPPIN, Harris County; MICHAEL D. PLUNK, D.D.S., M.S.D., Dallas County; MARCIA G. WAUGH, El Paso County; GAIL WILKS, Gregg County.

Members, State Employee Charitable Campaign Policy Committee: JOHN AARNE ANDERSON, Smith County; MARIA L. "MARY" BANDA, Hidalgo County; JUDY BURKS, Wichita County.

Member, General Services Commission: DIONICIO VIDAL "SONNY" FLORES, P.E., Harris County.

Members, Department of Information Resources Board of Directors: WALTER A. "TREY" BRADLEY III, Denton County; HARRY H. RICHARDSON, Bexar County.

Members, Board of Pilot Commissioners for Galveston County Ports: HARRY WAYNE BROWN, Galveston County; DOROTHY ANNE HENDERSON, Galveston County; JANIS LOWE, Galveston County; EDWARD S. WILKINSON, Sr., Ed.D., Galveston County.

Members, Board of Pilot Commissioners for the Sabine Bar, Pass, and Tributaries: GEORGE W. GARDNER, Jefferson County; GEORGE O. HUDSPETH, Jefferson County; FREDERICK L. JACKSON, Hardin County; JEAN M. SHERIDAN, Jefferson County; ROY NELSON STEINHAGEN, Jefferson County.

Members, Texas Rehabilitation Commission: ALVIS KENT WALDREP, Jr., Collin County; RAY ALLEN WILKERSON, Travis County.

Members, State Board of Examiners for Speech Pathology and Audiology: GEORGE E. CIRE, Victoria County; ELSA CARDENAS-HAGAN, Cameron County; HARVEY KOMET, M.D., Bexar County.

Member, State Securities Board: JOSE ADAN TREVINO, Harris County.

Members, Texas Workers' Compensation Insurance Facility Governing Committee: JAMES MICHAEL LOWERY, Brazoria County; EMIL E. OGDEN, Brazos County; GWYN SHEA, Dallas County.

Members, Texas Workers' Compensation Insurance Fund Board of Directors: RICHARD A. COOPER, Lubbock County; BRENDA PEJOVICH, Dallas County; JAMES D. ROSS, C.P.A., Midland County; GEORGE WESCH, Jr., Bandera County; CHARLES HUGH WHITESIDE, Ph.D., Gregg County.

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate Morgan and Amanda Schriver serving today as Honorary Senate Pages, their mother K-Ann Schriver, and his daughter Denise Haywood.

The Senate welcomed its guests.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1704 ON THIRD READING**

Senator Ogden moved that the regular order of business be suspended and that **CSSB 1704** be placed on its third reading and final passage:

CSSB 1704, Relating to prima facie speed limits for farm-to-market and ranch-to-market roads.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Haywood, Lindsay, Luna, Moncrief, Nelson, Ogden, Ratliff, Shapiro, Truan, West, Zaffirini.

Nays: Bivins, Duncan, Fraser, Madla, Nixon, Patterson, Shapleigh, Sibley, Wentworth.

Absent: Harris, Lucio, Whitmire.

CSSB 1704 was read third time and was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Duncan, Fraser, Madla, Nixon, Patterson, Shapleigh, Sibley and Wentworth asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 367 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 367, Relating to the continuation and functions of the Commission on Jail Standards.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 367**, in SECTION 9, Chapter 511, Government Code, proposed Section 511.0092 (committee printing page 5, line 32) by adding subsection (i) as follows:

"(i) The Private Investigators and Private Security Agencies Act, Article 4413 (29bb), Vernon's Texas Civil Statutes, does not apply to an employee of a facility, who is in the actual discharge of duties as an employee of the facility, if the employee is required by Subsection (f)(2) or by Section 415.0541 to maintain certification from the Commission on Law Enforcement Officer Standards."

The amendment was read and was adopted by a viva voce vote.

CSSB 367 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 367 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 367** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 367 was read third time and was passed by a viva voce vote.

BILL AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read:

HB 368, HCR 53

**COMMITTEE SUBSTITUTE
SENATE BILL 1247 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1247, Relating to regulation of a home and community support services agency; providing an administrative penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1247 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1247** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(Senator Truan in Chair)

CSSB 1247 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 976 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 976, Relating to managed care plans issued by managed care organizations under Medicare risk-sharing contracts; providing administrative penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 976 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 976** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 976 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 728 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 728, Relating to the disposition of certain state land used as the site for the superconducting super collider research facility.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 728 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 728** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Moncrief.

CSSB 728 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the final passage of the bill.

SENATE BILL 522 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 522, Relating to promotion to the next grade level after completion of an extended year program.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Luna asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 522 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Luna.

SB 522 was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 691 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 691, Relating to the regulation of a detection device under the Private Investigators and Private Security Agencies Act.

The bill was read second time.

Senator Ratliff offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 691** by creating a new Section 1 to read as follows and renumbering the subsequent Sections accordingly:

SECTION 1. Subdivision (5) Section 2, Private Investigators and Private Security Agencies Act (Article 4413 (29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(5) "Alarm systems company" means a ~~any~~ person ~~who that sells,~~ installs, services, monitors, or responds to alarm systems, burglar alarm signal devices, detection devices, burglar alarms, robbery alarms, television cameras, or still cameras used to signal the presence of an emergency or other hazard requiring urgent attention and to which law enforcement or other emergency services are expected to respond, ~~or any other electrical, mechanical, or electronic device used:~~

~~[(A) to prevent or detect burglary, theft, robbery, shoplifting, pilferage, shrinkage, or other losses of that type;~~

~~[(B) to prevent or detect intrusion; or~~

~~[(C) primarily to detect or summon aid for other emergencies].~~

The committee amendment was read and was adopted by a viva voce vote.

SB 691 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 691 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 691** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 691 was read third time and was passed by a viva voce vote.

SENATE BILL 29 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 29, Relating to the implementation of the child support enforcement provisions of Title III of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; providing penalties.

The bill was read second time.

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 29** to read as follows:

(1) On page 3, line 17, strike SECTION 6 of the bill and renumber the subsequent sections appropriately.

(2) On page 6, line 23, insert the following after the period: "The record of an order shall include information provided by the parties on a form developed by the Title IV-D agency. The form shall be completed by the petitioner and submitted to the clerk at the time the order is filed for record."

(3) On page 34, line 3, strike "notice" and substitute "judicial writ [NOTICE]".

(4) On page 43, lines 7-8, strike ", in the absence of an existing order."

(5) On page 44, line 20, strike "42 U.S.C. Section 608" and substitute "law".

(6) On page 68, line 19, strike "maternity" and substitute "paternity".

(7) On page 80, line 2, insert "and other appropriate entities" after "agencies" and before "identified".

(8) On page 82, line 9, strike "and Section 232.003, Family Code as added by Chapter 665, Acts of the 74th Legislature, 1995"

(9) On page 48, line 24, strike subsection (c).

The committee amendment was read and was adopted by a viva voce vote.

SB 29 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 29 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 29** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 29 was read third time and was passed by a viva voce vote.

HOUSE BILL 1424 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1424, Relating to the imposition of a municipal sales and use tax and hotel occupancy tax in areas to be annexed by certain municipalities.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Ogden asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1424 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1424** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

HB 1424 was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Sibley in Chair)

**COMMITTEE SUBSTITUTE
SENATE CONCURRENT RESOLUTION 19
ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

CSSCR 19, Requesting the United States Congress to encourage citizenship of legal immigrants by encouraging schools and institutions of higher education to provide enhanced citizenship training.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 370 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 370, Relating to the continuation and functions of the Texas Department of Transportation, the abolition of the Texas Turnpike Authority, and the creation of regional tollway authorities; authorizing the issuance of bonds and the imposition of taxes; granting the power of eminent domain; and providing civil penalties.

The bill was read second time.

(Senator Brown in Chair)

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 370**, Section 201.705(c), on pages 3-4 as follows:

(c) From any cost savings resulting from the pilot project and from funds appropriated, the department shall assist counties with materials to repair ~~or maintain~~ county roads ~~that are damaged as a result of legally permitted overweight truck traffic~~. The department shall:

- (1) ensure that the total value of assistance is at least ~~\$20~~ **\$25** million a year;
- (2) make maximum usage of surplus materials on hand;
- (3) develop rules and procedures in order to implement this section and to provide for the ~~equitable~~ distribution of these funds with preference given to counties with an above average number of overweight trucks receiving weight tolerance permits, based upon the previous year's permit totals; and
- (4) undertake cooperative and joint procurement of road materials with the counties under General Services Commission procedures.

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 370** by adding in Article 1 of the bill a new, appropriately numbered section to read as follows and renumbering the existing sections as appropriate:

SECTION 1.____. Subchapter K, Chapter 201, Transportation Code, is amended by adding Section 201.905 to read as follows:

Sec. 201.905. MULTIMODAL ROAD USE. (a) The department shall conduct a comprehensive analysis of the multimodal use of roads and highways in the state highway system. The analysis shall include the collection of data on users' concerns about road conditions and actual and potential use patterns of roads or highways.

(b) After the analysis required by Subsection (a) is completed, the department shall initiate and coordinate a campaign to help increase public awareness of traffic safety issues.

(c) The department shall initiate a program of continuing community involvement sessions to help other state agencies, local decision-makers, interest groups, and the general public improve the state's comprehensive transportation system to include all modes of transportation.

The amendment was read and was adopted by a viva voce vote.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 370** in Article I, Section 1.17 of the substitute, proposed Section 222.053(c)(1), Transportation Code (page 6, line 4, committee report), between "under Subsection (b)" and "beyond the minimum" insert "or the value of a benefit received by the state in an agreement under Section 791.031, Government Code.".

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3A

Amend **CSSB 370** in SECTION 1.23 of the bill, proposed Subchapter F, Chapter 224, Transportation Code, as follows:

(1) In Section 224.154(a), add a new sentence at the end of the subsection (committee printing page 12, line 1) to read as follows:

The commission may enter into an agreement with a regional tollway authority described in Chapter 366, or a transit authority described in Chapter 451, 452, or 453, to charge a toll for the use of one or more lanes of a state highway facility under this subsection.

(2) In Section 224.154(c) (committee printing page 12, lines 6 and 7) strike "the department and a transportation corporation" and substitute "the department, a transportation corporation, and a regional tollway authority or a transit authority with whom the commission has an agreement under this section".

(3) In Section 224.154(d), add a new sentence at the end of the subsection (committee printing page 12, line 14) to read as follows:

Revenue generated from toll charges and administrative fees assessed by an entity with whom the commission contracts under this section shall be allocated as required by the terms of the agreement.

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3B

Amend **CSSB 370** by striking SECTION 1.22. (committee printing, page 10, line 26) and substitute a new SECTION 1.22 to read as follows:

SECTION 1.22. Section 223.041, Transportation Code is amended to read as follows:

Sec. 223.041. ENGINEERING AND DESIGN CONTRACTS. (a) The department shall use private sector engineering-related services to assist in accomplishing its activities in providing transportation projects. For the purpose of this section, engineering related services means engineering, land surveying, environmental, transportation feasibility/financial, architectural, real estate appraisal, and materials laboratory services. These engineering-related services are for highway improvements, right-of-way acquisition and aviation improvements [The department's policy regarding

~~the regular use of private sector professional services for preliminary and construction engineering and engineering design shall achieve a balance between the use of department employees and the use of private contractors if the costs are equivalent].~~

~~(b) The department, in setting the level of expenditures in these engineering-related activities that will be paid to the private sector providers, will index the level of expenditures from the amount set by Rider in the General Appropriations Act, 75th Legislative Session, expressed as a percentage of the total funds appropriated in Strategy A.1.1. Plan/Design/Manage [The office of the state auditor shall determine relevant costs to be considered under Subsection (a)].~~

~~(c) Beginning in fiscal year 2000, the department will increase its expenditures to private sector providers for engineering-related services at least one percentage point per year until the expenditure level in all strategies paid to private sector providers for all department engineering-related services for transportation projects reaches a goal of thirty-five percent of funds appropriated in Strategy A.1.1. Plan/Design/Manage of the General Appropriations Act.~~

~~(d) The commission may provide for hearings at which private sector complaints relating to the selection process are heard.~~

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 4

Amend CSSB 370 as follows:

On page 15, line 12, after the word "department" add the words "in a corridor of land on which no existing state or federal highway is located";

On page 15, line 14, after the word "agreement" add the words "which may not exceed twelve years";

On page 15, line 17, after the word "project" add the words "and property included in the contract"

The amendment was read and was adopted by a viva voce vote.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 5

Amend CSSB 370 as follows:

Strike Section 1.33 of the bill.

The amendment was read and was adopted by the following vote:
Yeas 19, Nays 12.

Yeas: Barrientos, Bivins, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Lindsay, Luna, Moncrief, Nelson, Ogden, Ratliff, Shapiro, Sibley, Truan, Wentworth, Whitmire.

Nays: Armbrister, Brown, Gallegos, Harris, Haywood, Lucio, Madla, Nixon, Patterson, Shapleigh, West, Zaffirini.

Senator Cain offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 370** by adding SECTION 2.04. to add Section 391.037 to read as follows:

Section 391.037 Living Logos Program

The commission may adopt rules to implement a floral mosaic living logo program for display within the public right-of-way. Such rules will prescribe the scope and size of the displays, determine lease rates and terms for the location of each display, set a bond for faithful performance, and provide for the public safety. The commission may implement a pilot program as part of the rule making process. This program may be incorporated into the current Adopt-A-Highway program.

The amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 6.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 370** on page 33, line 25 by adding after "500,000" and before the ";" the following: ", except that for a county bordering the Gulf of Mexico or a bay or inlet opening into the gulf or for a county bordering the Republic of Mexico the population may be not less than 300,000".

TRUAN
LUCIO

The amendment was read and was adopted by a viva voce vote.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 370**, Section 366.031, on page 33 as follows:

**SUBCHAPTER B. CREATION AND POWERS
OF REGIONAL TOLLWAY AUTHORITIES**

Sec. 366.031 CREATION AND EXPANSION OF A REGIONAL TOLLWAY AUTHORITY. (a) Two or more counties, acting through their respective commissioners courts, may by order passed by each commissioners court, create a regional tollway authority under this chapter if:

- (1) one of the counties has a population of not less than 500,000;
- (2) the counties form a contiguous territory; and
- (3) unless one of the counties has a population of 1.5 million or more,

the commission approves the creation.

~~(b) For an authority created under subsection (a), the authority is automatically approved 180 days after it is created by order of the respective commissioners courts, unless the commission disapproves prior to~~

~~the 180th day.~~ The commission shall adopt rules to implement the provisions of this section by March 1, 1998.

(c) A commissioners court may by resolution petition an established authority for inclusion in the authority if the county is contiguous to a county that initially created the authority.

(d) On approval of the board of an authority receiving a petition under Subsection (c), the county becomes part of the authority.

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 9

Amend CSSB 370 as follows:

1. In SECTION 1.32, Sec. 226.003(b)(2)(A), Insert the following after "(A)" and before "wireless" "wired or", (committee printing page 15, line 63).

2. In SECTION 1.32, Sec. 226.006(a)(2), Insert the following after "the" and before "system": "emergency response", (committee printing, page 16, line 34).

3. In SECTION 1.32, Sec. 226.008, strike Subsection (c) (committee printing, page 16, lines 57, 58, and 59).

4. In SECTION 1.32, Sec. 226.009(g), strike "technical" and substitute "advisory", (committee printing page 17, line 15).

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 10

Amend CSSB 370 as follows:

(1) In SECTION 7.23 of the bill by striking Section 366.251(d), Transportation Code, as added by the bill (committee printing page 47, line 44), and substituting:

(d) Two directors appointed by the governor must have resided in a county of the authority for at least one year before the person's appointment. One director appointed by the governor must have resided in a county adjacent to a county of the authority for at least one year before the person's appointment. Each director appointed by a commissioners court must have resided in that county for at least one year before the person's appointment.

(2) In SECTION 7.25(c)(1) of the bill (committee printing page 52, line 10), by inserting the following after the word "governor": ", two of whom must have resided in a county of the authority for at least one year before the person's appointment and one who must have resided in Parker County, Ellis County, or Johnson County for at least one year before the person's appointment".

The amendment was read and was adopted by a viva voce vote.

CSSB 370 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 370 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 370** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 370 was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The Presiding Officer, Senator Brown in Chair, introduced to the Senate former Secretary of State Jack Rains.

The Senate welcomed Mr. Rains.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a group of fourth-grade students from Epiphany Episcopal School of Kingsville: Timothy Bucci, Donald Durden, Denzel Finney, Jack Flipse, Benjamin Hadley, Adam Hansen, McGregor Keith, Felecia Chapa, Ryan Gant, Chelsea Hayes, Ginny Morgan, and their teacher Susan Foor; and parents Joel and Beverly Gant, Rose Keith, Cynthia Goad, and Karen Bowman.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 21, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 73, Recognizing San Jacinto Day of 1997 and expressing appreciation to K. R. Wood for the "Fathers of Texas".

SJR 36, Proposing a constitutional amendment to allow a person who holds the office of municipal court judge to hold more than one civil office of emolument at the same time.

(Amended)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

(Senator Armbrister in Chair)

SENATE BILL 1158 ON SECOND READING

Senator Luna asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

SB 1158, Relating to regional education service centers.

There was objection.

Senator Luna then moved to suspend the regular order of business and take up **SB 1158** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

SB 1158 was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

1. Amend Section 1 of **SB 1158**, Section 8.001(a), page 1, line 15, by striking the words "a system of" and inserting "not more than 20".
2. Amend Section 1 of **SB 1158**, Section 8.001(c), page 1, line 23, by striking the words "system of".
3. Amend Section 1 of **SB 1158**, Section 8.002, page 1, line 34, by striking the words "The system of regional" and inserting "Regional".

The amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 2

1. Amend Section 1 of **SB 1158**, Section 8.003(e), page 1, line 64, by adding the following after the period:
"Subject to approval of the board of directors, regional education service centers shall offer programs and activities to school districts and campuses under 8.051, 8.052 and 8.053."
2. Amend Section 1 of **SB 1158**, page 2, lines 24-33, by striking Section 8.007 and inserting the following:
"Sec. 8.007. TRANSFERABILITY OF LEAVE. (A) A regional education service center shall accept personal leave accrued by a center employee as sick leave under state law by an employee who was formerly employed by the state. (b) A school district or the state shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center not to exceed five days per year for each year of employment."

The amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 3

Amend SECTION 1 of **SB 1158** as follows:

1. Amend, Sec. 8.051 as follows:

Delete the title and insert "CORE SERVICES AND SERVICES TO IMPROVE PERFORMANCE".

Add subsection (d) to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in teaching each subject area assessed under Section 39.023;

(2) training and assistance in providing each program that qualifies for a funding allotment under Section 42.151, 42.152, 42.153, or 42.156;

(3) assistance specifically designed for a school district rated academically unacceptable under Section 39.072(a) or a campus whose performance is considered unacceptable based on the indicators adopted under Section 39.051;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees; and

(5) assistance in complying with state laws and rules.

2. Amend, Sec. 8.055 by deleting subsection (a) and inserting a new subsection (a), adding a new subsection (b), and renumbering as follows:

(a) Each regional education service center may purchase or lease property or acquire property through lease-purchase and may incur debts for that purpose. Any transaction under this subsection is subject to the approval of the board of directors;

(b) Any transaction under this subsection involving real property is subject to the approval of the board of directors and the commissioner;

(c) Each regional education service center may dispose of property in the manner and on the terms that the board of directors determines.

3. Amend, Sec. 8.101 by deleting the language after the period and inserting the following:

"Performance standards and indicators must include the following:

1) student performance in districts served;

2) district effectiveness and efficiency in districts served resulting from technical assistance and program support;

3) direct services provided, or regionally shared services arranged by the service center which produced more economical and efficient school operations;

4) direct services provided or regionally shared services arranged by the service center which provide for assistance in core services; and

5) grants received for implementation of state initiatives and the results achieved by the service center under the terms of the grant contract."

4. Amend Section 8.121 by deleting the title and inserting,

"FUNDING FOR CORE SERVICES AND SERVICES TO IMPROVE PERFORMANCE."

5. Amend Section 8.121(c), page 4, line 40 by inserting the word "core" after the word "of" and before the word "services".

The amendment was read and was adopted by a viva voce vote.

SB 1158 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1158 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1158** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 1158 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 358 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 358, Relating to the continuation and functions of the Credit Union Commission.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 358** on page 6 by striking lines 26-27 and on page 7 by striking lines 1-7 and substituting:

(1) is employed by or participates ~~[be engaged]~~ in the management or direction of:

(A) a financial institution; or

(B) an organization, other than a financial institution, regulated by the department or receiving funds from the department ~~[, such as a credit union, bank, or savings and loan association]; [or]~~

(2) has ~~[have]~~, other than as a member or customer, a financial interest in:

(A) a financial institution; or

(B) an organization, other than a financial institution, regulated by the department or receiving funds from the department; or

The committee amendment was read.

Senator Brown offered the following committee amendment to Committee Amendment No. 1:

Committee Amendment No. 2

Amend Committee Amendment No. 1 to **SB 358** as follows:

On line 7, striking "the department" and replacing it with "any financial institution regulatory agency".

On line 8, striking "the department" and replacing it with "such agency".

On line 14, striking "the department" and replacing it with "any financial institution regulatory agency".

On line 15, striking "the department" and replacing it with "such agency".

The committee amendment to Committee Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Committee Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **SB 358** by striking SECTION 8 of the bill and substituting the following:

SECTION 8. Section 11.04, Texas Credit Union Act (Article 2461-1.01 et seq., Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11.04. VACANCIES; REMOVAL. (a) ~~[The office of a member of the commission becomes vacant on January 1 if the member failed to attend more than one-half of the meetings of the commission held during the preceding calendar year, excluding any meetings held before the member assumed office.~~

~~[(b)]~~ The governor may remove a member from the member's position on the commission for neglect of duty, incompetence, or fraudulent or criminal conduct.

(b) ~~[(c)]~~ It is grounds for removal from the commission if a member:

(1) does not have at the time of appointment the qualifications required by Section 11.02;

(2) does not maintain during service on the commission the qualifications required by Section 11.02;

(3) violates a prohibition established by Section 11.02;

(4) cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(c) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(d) If the commissioner has knowledge that a potential ground for removal exists, the commissioner shall notify the presiding officer of the commission of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the commissioner shall notify the next highest officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists [violates a prohibition established by Section 11.02(c) of this Act].

(e) [(d)] The office of a member of the commission is vacant in the event of the death, resignation, or removal of the member, or if the member ceases to have the qualifications necessary to serve as a member.

(f) [(e)] In the event of a vacancy on the commission for any cause, the governor, with the advice and consent of the senate, shall promptly appoint a qualified person to fill the unexpired term.

~~[(f) The validity of an action of the commission is not affected by the fact that it was taken when a ground for removal of a member of the commission existed.]~~

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend **SB 358**, SECTION 17, by striking Subsection (c) of proposed Section 12.03, and inserting the following:

(c) Before making a determination on a request to which this section applies, the commissioner must accept comment from any person who wishes to comment. This comment may be in the form of written testimony or may be provided at a hearing which the commissioner may hold, in accordance with rules established by the commission, for the purpose of receiving this comment. Chapter 2001, Government Code, does not apply to the hearing. Not later than the 60th day after the date the notice is published in the Texas Register or the date on which a hearing on the application is held, the commissioner shall approve or disapprove the application. If the notice is not published, the commissioner shall approve or disapprove the application not later than the 60th day after the date the request is received.

The committee amendment was read.

Senator Brown offered the following amendment to Committee Amendment No. 4:

Floor Amendment No. 1

Amend Committee Amendment No. 4 to **SB 358** by striking the text of the amendment and substituting:

Amend **SB 358** as follows:

(1) In SECTION 16 of the bill, in the last sentence of Section 12.01(a), Texas Credit Union Act, as amended by the bill (committee printing, page 10, line 35), strike "hearing" and substitute "meeting".

(2) In SECTION 17 of the bill, strike Section 12.03(c), Texas Credit Union Act, as added by the bill (committee printing, page 11, lines 1-12), and substitute:

(c) Before making a determination on a request to which this section applies, the commissioner must accept comment from any interested party that wishes to comment. This comment may be in the form of written testimony or may be provided at a meeting with the commissioner held for the purpose of receiving this comment. This meeting shall be held if requested by any interested party. The commissioner may hold the meeting regardless of whether an interested party requests the meeting. The commission may establish reasonable rules governing the circumstances and conduct of the meeting. Chapter 2001, Government Code, does not apply to the meeting. Not later than the 60th day after the date the notice

is published in the Texas Register, or if the notice is not published, after the date the request is received, the commissioner shall approve or disapprove the application.

The amendment to Committee Amendment No. 4 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Committee Amendment No. 4 as amended, the amendment as amended was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 5

Amend **SB 358**, SECTION 9, Section 11.06, Texas Credit Union Act, on page 12, line 23, by striking "affect [and specifically relate to]" and substituting "and specifically relate to".

The committee amendment was read.

On motion of Senator Brown and by unanimous consent, Committee Amendment No. 5 was tabled.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 6

Amend **SB 358** as follows:

Amend in SECTION 4 of the bill on page 5, lines 25-26, in Section 11.01(c) Texas Credit Union Act (Article 2461-1.01 et seq., Vernon's Texas Civil Statutes) by striking the words "and this Act expires September 1, 2001" and replacing with the words "September 1, 2009".

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 7

Amend **SB 358** as follows:

On page 7, line 15, by striking the word "Texas"; and

On page 7, line 18, by striking the words "in the credit union industry" and replacing with the words "representing or affiliated with a financial institution group or any entity affiliated with financial institutions [~~in the credit union industry~~]"; and

On page 7, line 25, by striking the word "Texas"; and

On page 7, line 25-26, by striking the words "in the credit union industry" and replacing with the words "representing or affiliated with financial institution group or any entity affiliated with financial institutions"; and

On page 8, line 4, by striking the word "Texas"; and

On page 8, line 6, by striking the words "in this state".

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 8

Amend **SB 358**, SECTION 7 of the bill, as follows:

On page 10, line 3, by adding "(10) the basic principles and responsibilities of credit union management".

The committee amendment was read and was adopted by a viva voce vote.

SB 358 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 358 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 358** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 358 was read third time and was passed by a viva voce vote.

STATEMENT OF LEGISLATIVE INTENT

Senator Brown offered the following statement of legislative intent on **SB 358**:

The purpose of **SB 358** is to implement the recommendations of the Sunset Advisory Commission. Members, the Sunset Advisory Commission and their staff worked very hard during the interim putting in over 1,000 hours on the review of the Credit Union Commission with a great deal of study and a great deal of purpose in trying to improve the efficiency of the Credit Union Commission. I think it's important to point out that the recommendations that are being made are: number one, to change the composition of the Credit Union Commission to a public member majority board. It will still have industry members, but the public membership on the board will be in a majority. Secondly, the bill provides that the Credit Union Commission be required to adopt rules of recusal of members, public notice of commission activities, and credit union mergers and acquisitions that are taken by the commission. The second recommendation includes that the commission place public notices in the *Texas Register*, and that would be of actions taken by the Credit Union Commission and to provide the opportunity for public comment and input into those decisions. The third recommendation provided for the continuation of the state chartering and regulation of credit unions which is an important part of the state's economy. I think all of you know that there are 280 state chartered credit unions in the state with 1.7 million members, a very important part of our economy, and this sunset bill will provide for an efficient board for the regulation of the credit unions.

BROWN

SENATE BILL 797 WITH HOUSE AMENDMENT

Senator Harris called **SB 797** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Armbrister in Chair, laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **SB 797** as follows:

On page 6, line 4, delete Subsection (c).

The amendment was read.

Senator Harris moved to concur in the House amendment to **SB 797**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE RULE 11.19 SUSPENDED

(Posting Rule)

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider **SB 889** today.

SENATE RULE 11.19 SUSPENDED

(Posting Rule)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider **SB 24** today.

CONGRATULATORY RESOLUTION

SR 535 - by Gallegos: Congratulating the Chicano Family Center in Houston.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:50 p.m. adjourned, in memory of Laura Kate Smither of Friendswood, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 21, 1997

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
HB 1520 (Amended)

EDUCATION — **CSSB 1034, CSSB 1379, CSSB 1907**

HEALTH AND HUMAN SERVICES — **CSSB 84, CSSB 55, CSSB 1164, CSSB 1607, CSSB 118, CSSB 1165, CSSB 1246**

STATE AFFAIRS — CSSB 96, CSSB 773, SB 379, SB 478, SB 1412

EDUCATION — CSSB 1206

HEALTH AND HUMAN SERVICES — CSSB 1163, CSSB 1245,
CSSB 940

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
CSSB 1276

NATURAL RESOURCES — SB 1922, SB 23, CSSB 1235, CSSCR 66,
SB 1390, SB 1393 (Amended), CSSB 1899, SB 1912, SB 1911

FINANCE — CSSB 310, CSSB 896, CSSB 1241, CSSB 1311, SB 1457
(Amended), CSSB 1491, CSSB 1674

INTERGOVERNMENTAL RELATIONS — SB 1696, SB 1736, SB 1782,
HB 901, HB 1113, HB 1475

SENT TO GOVERNOR

April 21, 1997

SB 69, SB 855, SB 977

